



Meeting Minutes

Vice-Chair

Judge Robert Swisher

Members Present

Comm. Rachele Anderson
Ms. Robin Balsam
Ms. Rosslyn Bethmann
Ms. Nancy Dapper
Mr. Bill Jaback
Judge Sally Olson
Ms. Emily Rogers
Ms. Carol Sloan

Members Absent

Judge James Lawler, Chair
Mr. Gary Beagle
Dr. Barbara Cochrane
Mr. Andrew Heinz

Staff

Ms. Shirley Bondon
Ms. Carol Smith
Ms. Kim Rood

1. Call to Order

Judge Swisher called the meeting to order.

2. Board Business

Approval of Minutes

Judge Swisher asked for changes or corrections to the December 10, 2012 proposed minutes. There were no changes or corrections.

Motion: *A motion was made and seconded to approve minutes from the December 10, 2012 meeting. The motion passed.*

Chair's Report

Judicial Education – The Board received an invitation from the Judicial Conference Planning Committee to submit an Education Session Proposal for the 55th Washington Judicial Conference which begins on September 22, 2013. The Board has the option to organize a planning committee to decide on a topic the Board would like to submit or, have a general discussion among the Board members and ask staff to draft a proposal and submit to a small committee. Discussion followed.

Staff was directed to submit a draft proposal to Judge Sally Olsen and Robin Balsam.

Appoint Appeals Panel –An appeal of a denial of certification is expected. In preparation for receipt of the appeal Judge Swisher appointed the following appeals panel:

Judge Olson
Mr. Beagle
Dr. Cochrane

WINGS Grant – Working Interdisciplinary Networks of Guardianship Stakeholders. A Request for Proposal was received by Chief Justice Madsen from the Conference of Chief Justices & Conference of State Court Administrators. The WINGS project is sponsored by the National Guardianship Network, along with ten national organizations dedicated to effective adult guardianship law and practice.

At the request of Chief Justice Madsen, the Administrative Office of the Courts submitted the grant proposal.

Staff summarized the details regarding the grant's purpose. This grant would bring together all persons who have an interest in guardianship and guardianship reform. This committee would be ongoing. The proposal was submitted on January 31, 2013 along with thirty six letters of support. Grant recipients will be notified March 1, 2013. The grant is in the amount of \$7,000.00.

3. Public Comment Period. Written comments are attached.

4. Professional Guardian Use of Debit Cards

Ms. Balsam began the discussion regarding the use of debit cards by certified professional guardians. This topic was referred to the Board for discussion by the Standards of Practice Committee. The Board would like the subject of financial integrity, not just as it relates to debit cards, but as it relates to all aspects of finance, discussed by the Education Committee, asking that they look into what is being taught by the University of Washington's certificate program for CPGs.

The suggestion was made that the issue of debit cards by CPGs be one of the "Emerging Issues" the Board should consider for the 2013-2014 continuing education reporting period.

5. Standby Guardians

Mr. Jaback stated that the issue of standby guardians came to the attention of the Application Committee because one of the applicants used serving as a standby guardian for a certified professional guardian as qualifying experience for certification. The Applications Committee raised the question whether a lay person is an appropriate choice for a standby, for a professional guardian thereby bringing this question to the Board for discussion in regards to SOPs. Is this a matter that should be clarified for CPGs?

Other questions to consider are;

- Should the Board limit the number of standby guardian appointments one individual can accept?
- Should the board establish a standard of practice for professional guardians to develop contingency plans or provide guidance to help professional guardians plan for time off for vacations and illnesses?

Judge Swisher requested that this matter be sent to the Regulations Committee for further research and debate. The Regulations Committee will report their recommendations to the Certified Professional Guardian Board.

6. Long Range Planning Meeting Topics

The Long Range Planning Meeting topics included in the meeting materials and listed below were discussed.

- Pros and Cons of CPG Agencies owned by non-guardians.
- UW Certificate Program expiration.
- Define “meaningful visit” for individual and agency professional guardians.
- Standby Guardians
- Transparency of the Board and disciplinary proceedings.
- Financial standards for CPGs.

Motion: *A motion was made and seconded that the Long Range Planning topics will include the above, with the exception of the UW Certificate Program expiration topic, which will be discussed at a later time. The motion passed.*

7. Executive Session – Closed to the Public

8. Reconvene

Applications Committee

Individual Applications

Motion: *A motion was made and seconded to conditionally approval the application of Jim Anderson. The motion passed.*

Motion: *A motion was made and seconded to deny the application of Iris Christie. The motion passed.*

Motion: *A motion was made and seconded to deny the application of Renee Ellis. The motion passed.*

Motion: *A motion was made and seconded to deny the application of Katherine Heath. The motion passed.*

Motion: *A motion was made and seconded to deny the application of Anita Sprenger Phillips. The motion passed.*

Motion: *A motion was made and seconded to deny the application of Jennifer Regeimbal. The motion passed. Ms. Balsam and Ms. Sloan abstained from voting.*

Agreements Regarding Discipline (Document Included)

Motion: *A motion was made and seconded to approve the Agreement Regarding Discipline for Madeleine Hudson, CPG No. 5196. The motion passed. Judge Swisher, Ms. Balsam, Ms. Sloan and Ms. Dapper abstained from voting.*

Hearings Officer Findings of Fact (Document Included)

Motion: A motion was made and seconded to ratify the Hearings Officer's disciplinary recommendation of one year suspension and payment of costs and expenses of the proceedings minus \$7,589.50, the fees associated with Hearings Officer's fees. The motion passed. Board members abstaining were Ms. Dapper, Ms. Balsam, Ms. Sloan and Judge Swisher.

Note: Members felt access to justice required removal of fees associated with the Hearings Officer, as parties are usually not responsible for the costs of a judicial officer, but are responsible for attorney fees and proceedings costs.

9. Adjourned

Meeting was adjourned. Next meeting is scheduled for March 11, 2013.

Recap of Motions from January 14, 2013 Meeting

Motion Summary	Status
Motion: A motion was made and seconded to approve the proposed minutes from the December 10, 2012 meeting.	Passed
Motion: A motion was made and seconded that the Long Range Planning topics will include all proposed topics, with the exception of the UW Certificate Program expiration topic. The motion passed.	Passed
Motion: A motion was made and seconded for conditional approval of the application of Jim Anderson. The motion passed.	Passed
Motion: A motion was made and seconded to deny the application of Iris Christie. The motion passed.	Passed
Motion: A motion was made and seconded to deny the application of Renee Ellis. The motion passed.	Passed
Motion: A motion was made and seconded to deny the application of Katherine Heath. The motion passed.	Passed
Motion: A motion was made and seconded to deny the application of Anita Sprenger Phillips. The motion passed.	Passed
Motion: A motion was made and seconded to deny the application of Jennifer Regeimbal. The motion passed.	Passed

Action Item Summary	
<i>Staff will prepare a draft proposal for a guardianship session to be considered for inclusion at the September 2013 Judicial Conference.</i>	Completed
<i>Judge Swisher requested that the matter of standby guardians be sent to the Regulations Committee for further research and debate. The Regulations Committee will submit recommendations to the Certified Professional Guardian Board.</i>	Completed
<i>Judge Swisher asked that the issue regarding debit card use by CPGs be submitted to the Education Committee for another look at the education provider's materials regarding financial responsibility.</i>	In Process

Public Comments

To the Guardianship Board

Comments by: Cynthia Jackson

March 2008, I brought the care and attention of my beloved parents (My Hero and Shero) to the courts, on the advice of several legal advocates, the only people I had to trust, as my brothers were negligent with mom and dad's immediate necessary care such as meals and doctor appointments. I couldn't live in the house due to health hazards from past flooding(s) and could not conscientiously move my children into a house that made us previously ill. Something good needed to happen before something tragic happened.

Once the guardianship was set is when the tragedy began. 17 trips to the Emergency Room (9 for mom\8 for dad) many without a guardian, heart surgery, multiple hospital stays a fall and broken hip for who was never to return home again. I alerted the guardians of the flood problem however, no one would listen to me all within 2 years of having a guardian. Fast forward to today Jan 14th 2013, a million dollar spend down later. The family home (5 bedrooms, 3 & 2-1\2bathrooms, den, family room, two story, two fireplace ranch house once valued and \$750,000 tons of acreage with a view of Lake Washington and Mt. Rainier) sits vacant with 4-6inches of water floating in the downstairs. No one would listen to or believe me that the house flooded and was in need of a drainage system while mom and dad still had money. Antiques previously locked in closet, sit in the window next to an unlocked sliding glass door. The carpets are still saturated and the windows drip with water inside from the moisture. The blinds are closed assuring mold and bacteria will be growing. It has been sitting like this since the rain began weeks ago. The guardian wants to sell the home, it won't be worth much especially with the requirements of full disclosure: The house floods, it has extensive water damage inside and has mold contamination. Now, an additional \$5200 is being requested to put in a drainage system. It seems too late to close the barn door now, the cows are already out. (How much will it cost to repair the structural water damage?) After sixty years of marriage mom and dad live in separate Adult Family Homes in

separate cities 12 minutes apart 45 minutes from caring family. The homes (owned by the same family) are tiny, dirty, have had multiple citations for environmental cleanliness, nutrition issues and improper dispensing of medications. Mother and Father are about to lose their A1 Group Health Plan B coverage and be placed on Medicaid where their much needed health services will be eliminated.

Guardians should be required to have sensitivity training, have arbitrator skills and elder care courses (I watched my mother's guardian wheel her off a curb front wards where she could have been dumped out on her face). Guardianships should be under full disclosure laws and explain how a loved one will be treated once placed under care. **FULL TRANSPARENCY** of how the finances will be spent, property will be cared for and an extensive physical care plan provided before partaking in the guardianship duties. Family members should never have to pay a bond to preserve guardianship of their elders if the guardianship needs to be reversed. Reverse mortgages should never be allowed and the elderly should be able to retain their rights for at least three years while guardianship is established. Family members who bring their loved ones to a guardianship should be allowed a say in their loved ones care and care providers especially, when the family member was the primary care provider and all records of care were constant, consistent and administered with love.

Comments by: Tom Goldsmith

Good morning,

Today I am asking this Board to look again at **transparency** in handling complaints about paid guardians. I believe re-examining and taking a clearer public position on this issue is a necessity.

As the Supreme Court's works out disclosure of administrative records with General Rule GR 31.1 I have raised this question.

While the Washington State Department of Health has a system, proven over more than two decades that has worked for Doctors, Nurses, Psychologists, Social-Workers, and dozens of other respected professional groups. **(See RCW 18.130.095)**

Reasons guardian complaint handling should mirror this system are familiar, and many, including:

- Degree of guardian responsibility / authority
- Tendency **and rights** for the public to question
- Importance of guardian choice to ward, family, friends, members of ward's support-structure
- Need for reasonable expectations on the part of all concerned
- The changing nature of guardianship in general
- Need for public funding of guardian support
- Need for each guardian to be "above reproach"